

**RECOMMENDED  
FINDINGS OF FACT FOR APPROVAL OF  
PLN2012-00039**

**13533-13547 Aurora Drive**

**Assessor's Parcel Numbers 79A-584-18-1, 79A-584-18-2, 79A-584-19-1 and 79A-584-19-2  
S. Fagalde, Aurora Partners, LLC (Applicant and Property Owner)**

**Rezone**

- 1. The proposed rezone must be in general agreement with the adopted General Plan of the City.**

The General Plan Land Use Map designates the subject property as Residential Garden Density. This unique designation is intended for detached single family homes in a country or semi-rural environment that is known as the Mulford Gardens Neighborhood. Lots typically exceed 8,000 square feet and overall densities range from 1-4 units per gross acre (up to 5.4 units per net acre). In some cases, additional dwellings on a single lot may result in densities that are higher than this range. In this case, the proposed development of 16 units on the 56,000 square foot site equals a density of one unit per 3,500 square feet or 12 dwelling units per acre.

The rezoning of the project site from RO Residential Outer to RO(PD) Residential Outer, Planned Development Overlay District will subject any proposal on the property to the City's discretionary review process, which will ensure that the new development will be compatible with the existing area. This carries out General Plan Policy 2.05 which provides that the development review shall be implemented to ensure that infill development is compatible with existing homes and maintain aesthetically pleasing neighborhoods. In addition, the proposed plans carries out General Plan Policies 3.01 and 3.04 which is to encourage a mix of residential development types in the City, including single-family homes on a variety of lot sizes, as well as townhomes, planned unit developments and multi-family housing and to encourage infill development on vacant or underused sites within residential areas.

- 2. The uses permitted by the proposed zoning district must be compatible with existing and proposed uses in the general neighborhood.**

There are three properties north of the proposed project site that are residential planned developments. They are developed with densities that range from 10 to 11 units per acre. Two of the three properties already have the RO(PD) Residential Outer, Planned Development Overlay District designation. Therefore, the proposed residential use that would be permitted with the same RO-Planned Development is consistent with the existing uses that are adjacent to the north and the two other properties beyond it. The mixture of single-family residences and duplexes at this site would not infringe upon the privacy and quality of life for the existing area residents. The use of the Planned Development Overlay designation will allow the Planning Commission to review any subsequent changes to the property through the Planned Development (PD) modification process and ensure that the new development will be compatible with the existing area.

- 3. The property subject to the rezone will be served by streets, utilities and other public facilities of sufficient capacity to properly serve it without overloading and without detriment to other areas presently zoned in contemplation of full use and availability of such facilities.**

As part of the comprehensive plan to rezone and further develop the subject property, the subject property will be improved with adequate public infrastructure such as utilities and other public facilities to properly serve it without overloading and without detriment to the immediate area.

### **Planned Unit Development**

- 1. That the proposed location of the use is in accord with the objectives of the Zoning Code and the purposes of the district in which the site is located.**

The proposed location, with the approval of the rezoning from an RO District to RO(PD) District, will be a residential development of market rate rental units within an existing residential neighborhood which includes condominiums, single-family residential and duplex development. The planned development is lower-medium residential density equaling one unit per 3,500 square feet. Thus, the lower-medium density design will be compatible with the nearby planned developments and RO Residential Outer District which includes single-family residences and additional dwelling units on the larger lots. The density of the development would be comparable to the existing planned developments to the north of the property. The proposed residential use protects the character of the surrounding area by providing a density and massing of structures that is in the context and within the range of the surrounding development.

- 2. That the proposed location of the use and the proposed conditions under which it would be operated or maintained, will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.**

The proposal is consistent with City goals, objectives and policies related to housing and land uses outlined in the General Plan. The project increases the housing supply in a manner that will be compatible with the existing area. The development will result in an improvement in appearance to the property, which is currently underutilized and unimproved. In addition to aesthetic quality, the existing single-family homes have been refurbished and repaired, and the new duplexes will be designed, constructed and equipped to provide an adequate level of safety and security for the residents. The site, furthermore, will be adequately served with public services, including utilities.

The site planning, the use of exterior lighting and landscaping materials will allow for security and easy surveillance of the development. The application of current construction practices will prevent disturbances from significant levels of noise emanating from within the completed homes. Sufficient off-street parking will be

provided to prevent any significant impact on the proposed on-street parking within the existing neighborhood.

3. **That the proposed use will comply with the provisions of this code; including any specific condition required for the proposed use, in the district, in which it would be located.**

The RO(PD) designation allows for a Planned Development (PD) application. In exchange for exception to the maximum density, reduced setbacks, encroachment outside the daylight plane, and the exception to height requirements, the community will receive higher quality rental housing that includes three bedroom units and completely refurbished existing housing units. In addition, the development includes a comprehensive list of on-site improvements such as attractive and well appointed architectural exterior design of new buildings, new landscaping, new and enhanced paving, and a supply of off-street parking that exceeds the minimum required.

4. **That the proposed use will not create adverse impacts on traffic or create demands exceeding the capacity of public services and facilities, which cannot be mitigated.**

The surrounding streets have adequate capacity to accommodate the traffic generated by this development. With its close proximity to public (bus) transportation, traffic generation may be less than developments in San Leandro that are not conveniently located close to public transportation. There are public facilities in the area to serve this development such as the expansive City shoreline recreational area and a branch library.

There is adequate public service to the proposed subdivision, including but not limited to; the gas and electric company, the water district, waste disposal, cable TV, and police and fire departments.

5. **The Planned Development Project Plan will provide superior urban design in comparison with the development under the base district zoning regulations.**

The site planning for the Planned Development allows for adequate front yard and rear yard setbacks, vehicular parking, and private backyards for residential development. The height of the homes (with the exception of the daylight plane exception for TF6) and the coverage of the homes do not exceed the maximum allowable in the RO base district. In addition, the design of the project contains architectural patterns and elements that contribute to the character of the Planned Development, including the exterior design details (i.e., front porches, Craftsman-style front doors, decorative light fixtures, bracketed and trimmed end gables, and rafter tails), use of colors, and new landscaping landscaping for all areas contiguous to the street and common driveway areas. The overall design and features included within Planned Development enhances the development's long-term livability and value retention in this new residential development.

6. **The Planned Development Project includes adequate provisions for utilities, services, and emergency vehicle access; and that public service demands will not exceed the capacity of the existing and planned systems.**

There is adequate public service provided to the proposed subdivision, including but not limited to the gas and electric, the water, waste disposal, cable TV, and police and fire services. The Engineering and Transportation Department, and Fire Department have found the access to the site to be safe for vehicular, pedestrian and emergency vehicle access.

### **California Environmental Quality Act Categorical Exemption Findings**

This project is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guideline Article 19, Categorical Exemption, Section 15332 In-fill Development projects. Furthermore, the rezoning is exempt from CEQA, per CEQA Guideline, Section 15061(b)(3), where it can be seen with certainty that there is no possibility that the rezoning in question may have a significant effect on the environment.